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**DEC 26 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Joseph Florian	:	
Application No. 10/780,813	:	DECISION ON RENEWED PETITION
Filed: February 17, 2004	:	UNDER 37 C.F.R. § 1.181(A)
Attorney Docket No.: 263.1	:	
Title: OPTICAL IN-VIVO	:	
MONITORING SYSTEMS	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.181(a), filed on November 1, 2007.

BACKGROUND AND PROCEDURAL HISTORY

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed May 12, 2004, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 13, 2004. A notice of abandonment was mailed on February 9, 2005.

An original petition was filed on January 22, 2007, and was dismissed via the mailing of a decision on August 6, 2007.

ANALYSIS

With the original petition, Petitioner asserted that the holding of abandonment should be withdrawn because a response to the notice was purportedly timely filed. With this renewed petition, Petitioner has set forth that this response was submitted on June 15, 2004. Petitioner has also submitted a certificate of mailing which bears a date of June 15, 2004<sup>1</sup>, as well as a one-month extension of time so as to make timely this response.

Consequently, Petitioner has met the requirements of 37 C.F.R. § 1.8.

CONCLUSION

It follows that this renewed petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is hereby **WITHDRAWN**.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225<sup>2</sup>.



Paul Shanowski  
Senior Attorney  
Office of Petitions

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<sup>1</sup> With this renewed petition, Petitioner has asserted that this document was present in the electronic file prior to its submission concurrently with this renewed petition, and Petitioner has requested that the undersigned review the electronic file. The electronic file has been reviewed, and a copy of this document has not been located therein.

<sup>2</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.